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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140117052-4402-02]

RIN 0648-XD298

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2014 commercial summer flounder quota to the Commonwealth of Virginia. NMFS is adjusting the quotas and announcing the revised commercial quota for each state involved. NMFS is also correcting the 2014 summer flounder quota for the State of New Jersey to account for quota transfers to date.

DATES: Effective [Insert date of filing for public inspection at the Office of the Federal Register], through December 31, 2014.

FOR FURTHER INFORMATION CONTACT: Carly Bari, Fishery Management Specialist, 978-281-9224.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are in 50 CFR part 648, and require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial

quota and the percent allocated to each state are described in § 648.102.

The final rule implementing Amendment 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which was published on December 17, 1993 (58 FR 65936), provided a mechanism for summer flounder quota to be transferred from one state to another. Two or more states, under mutual agreement and with the concurrence of the Administrator, Greater Atlantic Region, NMFS (Regional Administrator), can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider the criteria in § 648.102(c)(2)(i) to evaluate requests for quota transfers or combinations.

North Carolina has agreed to transfer 2,758 lb (1,251 kg) of its 2014 commercial quota to Virginia. This transfer was prompted by summer flounder landings of the F/V Storm, a North Carolina vessel that was granted safe harbor in Virginia due to mechanical failure on April 24, 2014, thereby requiring a quota transfer to account for an increase in Virginia's landings that would have otherwise accrued against the North Carolina quota. The Regional Administrator has determined that the criteria set forth in § 648.102(c)(2)(i) have been met.

The revised 2014 summer flounder specifications that published on May 22, 2014 (79 FR 29371), did not include quota transfers. This rule will also update the 2014 summer flounder quota for New Jersey to take into account all quota transfers to date. The revised summer flounder commercial quotas for calendar year 2014 are: Virginia, 2,388,012 lb (1,083,184 kg); North Carolina, 2,729,195 lb (1,237,942 kg); and New Jersey, 1,765,169 lb (800,667 kg).

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 et seq.

Dated: May 30, 2014.

Emily H. Menashes,
Acting Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.

[FR Doc. 2014-12917 Filed 05/30/2014 at 4:15 pm; Publication Date: 06/04/2014]